

67,097-994; PA-10797-US

REMARKS

Claims 8, 14-15, and 21-23 remain pending in the application including independent claims 8, 14, 22, and 23. Claims 1-7, 9-13, and 16-20 have been cancelled. Claim 8 has been allowed.

Claims 14, 15, 21, 22 and 23 have been amended in response to the rejection under 35 U.S.C. 112, second paragraph. Applicant asserts that all 35 U.S.C. 112 rejections have now been overcome.

Claim 22 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Brockmann (US 4776163) in view of Clark (US 4525995) and further in view of Hield (US 5694765). It has been noted by applicant that the examiner has rejected claim 22 based on an alternative Brockmann reference; however, the reference number provided by the examiner is identical to the first Brockmann reference. Applicant respectfully requests clarification of the rejection.

Claim 22 recites that the first lay shaft is disposed spaced apart from and parallel to the second lay shaft, and is connected to the second lay shaft by an intermediate shaft. The examiner relies on Hield to teach this feature. Specifically, the examiner argues that it would have been obvious to employ a parallel and spaced apart arrangement for the lay shafts with an intermediate shaft as an equivalent configuration to concentric. Applicant respectfully asserts that the examiner has not set forth a prima facie case of obviousness.

When it is necessary to select elements from different references in order to form the claimed invention, there must be some suggestion or motivation to make the selection. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. The extent to which such suggestion must be explicit in, or referred from, the references, is decided on the facts of each application in light of the prior art and its relationship to the claimed invention. It is impermissible to engage in a hindsight reconstruction of the claimed invention, using applicant's structure as a template and selecting elements from the references to fill the gaps. The references themselves must provide some teaching whereby applicant's combination would have been obvious. In re Gorman, 933 F.2d 982, 986, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991).

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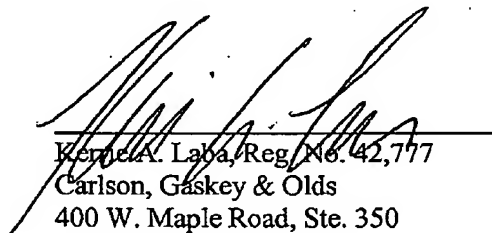
The examiner has not provided any suggestion or reasoning to indicate why one of ordinary skill in the art would be motivated to modify Brockmann in the manner proposed by the examiner. Brockmann discloses a concentric relationship of lay shafts. The shafts in Hield are spaced apart from each other. The examiner has pointed to no teaching in Hield of any particular benefit to using the Hield configuration instead of the Brockmann configuration. In addition, there is nothing in Brockmann that would have led one of ordinary skill in the art to believe that Brockmann's motor was in any way deficient for Brockmann's purposes or was in need of modification. The examiner has simply engaged in a hindsight reconstruction of the claimed invention, using applicant's structure as a template with selection of elements from different references to fill the gaps. This is impermissible under 35 U.S.C. 103(a), and applicant respectfully requests that the rejection be withdrawn.

Claims 14, 15, 21, and 23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Brockmann (US 4776163) in view of Clark (US 4525995), and further in view of Hield (US 5694765), and further in view of Steward, Jr. et al. (US 5309708). This rejection also fails for the reasons set forth above, i.e. the examiner has not provided any reasoning to indicate why one of ordinary skill in the art would be motivated to modify Brockmann with the teachings of Hield.

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Applicant respectfully asserts that all claims are in condition for allowance and respectfully requests an indication of such. Applicant believes that no additional fees are necessary; however, the Commissioner is authorized to charge Deposit Account No. 21-0279 in the name of United Technologies Corporation for any additional fees or credit the account for any overpayment.

Respectfully submitted,


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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, fax number (571) 273-8300, on February 22 2008.


Laura Combs